IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

Bail Appl..No. 7644 of 2007

(CRIME NO. 430/2002 OF THE KUMBLA POLICE STATION)
.....

PETITIONER/2ND ACCUSED:

P.M.MUNEER, AGE 28/07,
S/O.ABDULLA KUNHI HAJI, NR.JUMAMASJID,
MOGARAL PUTHUR, KASARAGOD.

BY ADV. SRI.T.B.SHAJIMON.

RESPONDENT/ COMPLAINANT:

THE SUB INSPECTOR OF POLICE,
KUMBLA POLICE STATION, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/12/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.7644 of 2007

Dated this the 13th day of December, 2007

ORDER

Application for anticipatory bail. Petitioner is the 2nd accused. He faces indictment for offences punishable, inter alia, under Sections 326 and 308 r/w 149 I.P.C. Investigation is complete. Final report has already been filed. The petitioner had entered appearance at the crime stage. He was enlarged on bail. But after committal, the petitioner could not appear before the learned Sessions Judge. Consequently, a warrant of arrest has been issued by the learned Sessions Judge. The petitioner finds such warrant chasing him.

2. According to the petitioner, he is absolutely innocent. His absence earlier was not wilful or deliberate. He is willing to surrender before the learned Sessions Judge and apply for bail. But he apprehends that his application for regular bail may not be considered by the learned Sessions Judge on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 438 and/or 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Sessions Judge and explain to the learned Sessions Judge the circumstances under which he could not earlier appear before the

learned Sessions Judge. I have no reason to assume that the learned Sessions Judge would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

4. This bail application is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Sessions Judge and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Sessions Judge must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-